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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/729,330
Filing Date	December 4, 2003
First Named Inventor	Cameron A. Riddell
Art Unit	3643
Examiner Name	Unknown
Attorney Docket Number	525.01-US2

**ENCLOSURES (Check all that apply)**

- |  |  |   |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Submission of Prior Art Under 35<br>USC 301 and Copies of Cited<br>References |
|--|--|---|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Rutan & Tucker, LLP		
Signature			
Printed name	Robert D. Fish		
Date	2/21/07	Reg. No.	33880

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent  
Attny Dkt. No. 525.01-US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231**

Inventor: Cameron A. Riddell  
Serial No: 10/729330  
Filed: Dec. 4, 2003  
For: Electric Deterrent Device

Examiner: Baisa, Joselito Sasis  
Art Unit: 3643

**4<sup>TH</sup> SUBMISSION OF PRIOR ART UNDER 35 U.S.C. 301**

The undersigned requests that the Office consider the following documents in evaluating patentability of the claims in the above-captioned patent application, and to the extent appropriate, the corresponding PCT application, (WO 2005/055865).


The following references have apparently not previously been considered by the Office, and further establish that the pending claims are either anticipated or completely obvious over the prior art.

S No.	Patent Number	Braided element with three or more strands	Braided element attached to base by sewing	Flexible base	Application: Animal / Bird deterrent
1.	<u>US5677674A</u>	Column 1 lines 45 - 55 and Column 3 lines 3-5	Column 3 lines 15 - 24	Column 2 lines 45 - 50	
2.	<u>WO1996008140A1</u>	Page 2 lines 5 - 10		Claim 1, Page 2 lines 5 - 10, and Page 2 lines 20 - 25	Claim 1
3.	<u>US5151319A</u>	Claim 1	Claims 1, 2 and Column 4 lines 1- 5	Column 2 lines 61 - 65	Column 2 lines 48 - 51
4.	<u>GB1207496A</u>	Page 1 lines 83-90 and Page 2 lines 1- 17	Claim 2		
5.	<u>EP592054A1</u>	Claim 1, 2, 9 and 10, and Column 3 lines 20-45			Claim 1
6.	<u>US5835332A</u>	Claims 2 and 3, and Column 2 lines 5 - 10	Column 2 lines 30 - 35	Claim 2 and Column 2 lines 5 - 7	
7.	<u>WO1984004022A1</u>	Claims 2 and 4, Page 5 lines 12 - 17	Claim 4, Page 5 lines 12 - 17		Claim 1 and Page 1 lines 1-5
8.	<u>US4352007A</u>	Claims 1, 2 and 4			

The following two references were already cited, but are listed below to show their particular relevance to the currently pending claims. In view of these references, it should be clear that the applicant cannot establish patentability by focusing on the number of strands in the braid, or sewing the braid to a flexible base.

S No.	Patent Number	Braided element with three or more strands	Braided element attached to base by sewing	Flexible base	Application: Animal / Bird deterrent
1.	<u>US5036166A</u>	Claim 9, Column 6 lines 62-68, and Column 7 lines 1-8		Claims 2, 3 and 12	Claim 1
2.	<u>US6341550B1</u>	Claim 1, 4 and 6, and Column 3, line 33-52		Column 3 lines 33-48	Claim 1

Copies are included.

By: 

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Reg. no. 33,880